UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/802
6 October 1992

ENGLISH
Original: ENGLISH AND FRENCH

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-third session

REPORT OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The Sub-Committee of the Whole on International Protection met on 1 October 1992 under the chairmanship of His Excellency Ambassador Bernard de Riedmatten of Switzerland. The following agenda was adopted:

(i) Work of the inter-sessional meetings of the Sub-Committee of the Whole on International Protection (EC/SCP/72);

(ii) Note on International Protection (A/AC.96/799);

(iii) Any other business;

(iv) Adoption of the report to the Executive Committee.

At the suggestion of the Chairman, the Sub-Committee agreed to consider first the second item on the agenda, and then discuss items as set out in the provisional agenda (EC/SCP/75). This report follows the order of discussion of the agenda items.

2. In opening remarks to the Sub-Committee, the High Commissioner welcomed participating delegations, observing that there was a broad humanitarian consensus that persons in need of protection must be able to rely on the active concern of the international community. However, as the scale, scope, and complexity of the refugee problem continued to grow, against a background of dramatic geopolitical change, the task of providing protection was beset by many challenges, some of them new and some more familiar.

3. The High Commissioner explained that she had, therefore, requested the Director of International Protection to set up a Working Group to examine the most pressing protection issues, questions, and dilemmas and to propose a broad policy framework for addressing them. The findings and recommendations of the Working Group were summarized in the Note on International Protection. Because of the Sub-Committee's importance as a forum, not only for reaffirming existing protection principles but also for exploring forward-looking strategies, she was very interested in reactions to the issues raised in the Note. She considered the Working Group's report as a useful basis on which to build protection into the three-pronged strategy of prevention, emergency response and solutions which she had outlined to the Executive Committee at its forty-second session in 1991. The High Commissioner concluded by highlighting some of the many questions which must be explored, including how to protect the institution of asylum while exploring vigorously the possibilitities and limitations of in-country protection, and the interaction of UNHCR's humanitarian role with the broader peace-keeping role of the United Nations.

II. NOTE ON INTERNATIONAL PROTECTION

4. The Director of International Protection then introduced the Note on International Protection. He said that the Working Group's main orientation had been towards innovative protection strategies to complement and support traditional principles, so that the Office could continue to ensure effective protection for persons of its concern. The Working Group's principal findings and recommendations, as set out in the Note, were derived from a comprehensive analysis both of current operations and of practical strategies which UNHCR has had to employ. The Note itself was divided into four sections which discussed UNHCR's mandate and competence, the role of asylum, prevention, and solutions.

5. With respect to competence, the Working Group had felt that UNHCR's mandate was resilient enough to allow UNHCR to adapt to the new demands of refugee situations today. No extension of the mandate was being promoted. The term "refugee" was used in the Note to embrace persons within UNHCR's competence who may or may not fall within the 1951 Convention. The Working Group discussed the conditions under which, consistent with its mandate, the Office was enabled to become involved in less traditional areas, and the content and parameters of protection activities in such circumstances. On the subject of asylum, the Working Group recognized its fundamental role as a protection principle and as a practical, solution-oriented response. Variable approaches, including temporary protection, also need to be promoted, particularly in mass-influx situations.

6. Prevention should also be part of new approaches, although it could never be a substitute for asylum. Possible activities for UNHCR to undertake or encourage in this field included early warning, promotion of human rights and economic and social development, advisory services and assistance to internally displaced persons. Involvement in situations of internal displacement should occur only at the request of the international community and when certain baseline criteria, including the consent of all parties

concerned, were met. Solutions, including voluntary repatriation and comprehensive regional arrangements, were also discussed. The Director concluded by noting the necessity of committed international support and participation for strengthened protection, pointing out the need for close cooperation with other agencies, non-governmental organizations (NGOs), and academic institutions, and expressing his hope that the Sub-Committee's discussion would reinforce UNHCR's efforts.

7. In the ensuing debate, the Note on International Protection was widely praised by delegates as an innovative and thought-provoking document which raised basic issues in a measured and practical way. A number of delegations appreciated its realistic approach to concepts such as asylum and protection and its presentation of their scope and relevance, in full cognizance of the political realities of present-day refugee situations. Several delegations drew attention to the fact that concepts in the Note had already been discussed, to some extent, by the Executive Committee's Working Group on Solutions and Protection and they appreciated that the work of this group had served to stimulate certain of the thoughts and ideas reflected in the Note. One delegation called for the Note to be read together with other protection documents before the Executive Committee, from which it could not be entirely separated, including the Information Note on Implementation of UNHCR's Guidelines on Protection of Refugee Women (EC/SCP/74).

8. Many delegations commended the High Commissioner for her initiative in convening the in-house Working Group on Protection. They reasserted the primacy of the High Commissioner's protection function and welcomed her commitment to work with novel approaches to secure protection for persons of her concern in less orthodox situations.

9. There was general agreement that prevention activities were vital to new or variable approaches to today's forced migration problems. A number of delegations stressed the complexity of causes of refugee flows, including notably violations of human rights. The role of human rights bodies in preventing circumstances from arising which forced departure of refugees was stressed by many delegations and UNHCR was encouraged, in this regard, to continue to work in concert with organizations or bodies such as the Human Rights Commission and the Centre for Human Rights. UNHCR's active participation in preparations for the forthcoming World Conference on Human Rights was appreciated by one delegation. The development of an effective early-warning mechanism for refugee flows was encouraged by several delegations.

10. A number of delegations stressed, at the same time, that forced movements had their roots also in economic and social disparities, that there should be no prioritization of causes of refugee flows which would diminish the emphasis on socio-economic problems, and that international cooperation involving also the development agencies was necessary to address these causes. One delegation noted, in this connection, that UNHCR had a role to play to enhance understanding of the relationship between socio-economic development factors and the refugee and migration phenomena, but generalized UNHCR involvement in programme activities in these sectors would not be supported by his

Government. One delegation, in drawing attention to the multiplicity of causes of forced movements of people noted that in addition to the traditional causes of colonialism, neo-colonialism, apartheid and foreign intervention, some groups were now embracing extreme nationalism and ethnic separatism, accompanied by the splitting of States. That delegation cautioned against UNHCR becoming too actively involved in such situations, given the possible negative impact on its humanitarian mandate, as well as the undesirability of duplication of functions with bodies like the United Nations Security Council.

11. Many delegations agreed, generally, that preventive activities were best pursued within a framework of international cooperation and that it would be important to clarify the respective responsibilities and mandates of the concerned agencies, to avoid duplication of functions among agencies. At the same time, a number of delegations stressed the importance of preventive activities being undertaken, as appropriate, at the request of, or as a result of specific decisions by, the Secretary-General, the General Assembly or even the Security Council. One delegation also underlined the critical importance of political and financial support by the international community for any direct prevention activity in countries of origin.

12. Some delegations spoke in favour of an extension of UNHCR's competence to internally displaced persons. One delegation called for the putting in place of strong international legal safeguards for the protection of internally displaced persons. The international monitoring of the situation of the internally displaced would, it was felt by certain delegations, be an appropriate UNHCR activity in particular circumstances. A number of delegations cautioned, however, that specific protection activities, such as the creation of safety zones, were practicable only when specific conditions were present and that their feasibility generally required further study before they could be actively promoted. UNHCR was encouraged by one delegation to ensure its views are passed to the Representative of the Secretary-General currently studying the problem of internal displacement at the request of the Commission on Human Rights.

13. Many delegations expressed the view that, in relation to the range of approaches or activities addressed in the Note on International Protection, UNHCR's mandate was resilient enough, or allowed enough flexibility, to enable the Office to engage in new approaches in specific situations. One delegation made a distinction, in this connection, between the mandate of the Office allowing it to undertake such new activities, as opposed to requiring it necessarily to perform them. Another delegation commented that the humanitarian expertise and experience of UNHCR was justifiably widely recognized as qualifying the Office to take on new tasks. Caution was nevertheless voiced by many delegations about UNHCR not becoming involved in actions inconsistent with the humanitarian essence of its mandate, which had to be respected at all times. Other delegations expressed concern that the Office should not take on more than it could cope with, in terms of the resources available to it. One delegation encouraged UNHCR, when considering new approaches, to concentrate initially on a few activities of central relevance, rather than becoming involved in the full range of activities set out in the Note.

14. A number of delegations also stressed that activities representing a departure from the mandate could only be carried out on the basis of a specific request from, or with the endorsement of, the international community and, as appropriate, might best be performed in an inter-agency cooperative framework. Several delegations commented here on the valuable role NGOs could perform, both in countries of origin and countries of asylum, as part of a coordinated international effort to address refugee problems. One delegation commented in particular on the need for new approaches to embrace, as appropriate, certain cross-mandate activities. Another delegation felt that the 1951 Convention and 1967 Protocol relating to the Status of Refugees should remain the basic reference point for UNHCR activities.

15. Many delegations confirmed their support for the principle of asylum as a basic protection principle and an important element in pragmatic responses to refugee situations. Several delegations appreciated the recognition in the Note of the serious strains for asylum countries in hosting refugees. The acceptance, as reflected in the Note, of a potential role for UNHCR in combating abuse of asylum procedures and assisting with return of non-refugees was welcomed by some delegations. Others underlined the Note's emphasis on the need for an international effort, involving UNHCR cooperation, in addressing the reintegration difficulties which countries of origin experienced when receiving back former refugees.

16. Other delegations reaffirmed in more general terms the central role and importance of the 1951 Convention for persons to whom it applied. It was stressed by several that the Convention remained a vital, albeit discrete, aspect of refugee protection. At the same time, some delegations cautioned against borrowing terminology and approaches from the Convention for new refugee situations, to which these instruments were not intended to apply. A number of delegations stressed the need, in this connection, to distinguish carefully between the different groups of beneficiaries of international protection when resorting to international legal principles in their defence.

17. A number of delegations reaffirmed the central importance of basic principles of refugee protection, including the principle of non-refoulement. Several delegations disagreed with any suggestion that there was a legal right of non-refoulement for non-1951 Convention refugees. In relation to this group, it was felt that the entitlement of such persons was to minimum standards of protection, including non-discrimination and other fair and humane treatment, as well as respect for the integrity of the family unit. A delegation said it did not believe that there was any rule of customary international law preventing repatriation because of generalized conditions of unrest or violence.

18. There was broad acceptance among delegations of the value of particularized or variable approaches to asylum, protection and solutions in cases of mass influx. A number of delegations felt that such approaches might well include temporary protection, although several delegations believed there was a need to reflect further on what might be the appropriate content of temporary protection and how it related to asylum and the 1951 Convention/1967 Protocol regime of protection. Other delegations commented generally on the value of group determinations in mass influx situations, to be incorporated in

variable approaches as an alternative to individual status determination. The discretion of States to determine for themselves the parameters of their responsibilities in such influx situations was underlined generally by some delegations.

19. On solutions, many delegations reasserted the primary importance of voluntary repatriation as the preferred solution, where feasible. Several delegations called on UNHCR and the international community generally to work to encourage return from the outset of refugee situations, including through public awareness programmes. The "package" approach to solutions, as outlined in the Note, was supported by a number of delegations. A number also stressed the need for clear criteria to determine when UNHCR should phase out its assistance and protection activities on behalf of returnees, so as to avoid open-ended involvement.

20. A strong emphasis was placed by a number of delegations on regional cooperation to resolve refugee problems. One delegation commented, in particular, on the value of refugees staying, where possible, close to their home countries, so as to assist their return when conditions allowed and to facilitate their reintegration. Another delegation felt that asylum outside the region of origin should be considered relevant mainly for especially vulnerable groups, such as medical cases, which cannot be cared for inside the region. Yet another delegation underlined the need to examine regional possibilities to ensure temporary protection for certain groups. Other delegations underlined the value of more effective utilization of regional institutions for protection and solutions to problems of refugees and displaced persons and referred, in this connection, to the positive examples offered by ongoing regional approaches to problems, such as the International Conference on Central American Refugees (CIREFCA) process in Central America, and the Declaration adopted by the Horn of Africa Summit on Humanitarian Issues.

21. It was clear, for a number of delegations, that there were still many issues raised in the Note which required further study. Amongst those mentioned were how to facilitate return in safety, the meaning of safety zones, the content of temporary protection, the meaning and significance of preventive diplomacy and the notion of State responsibility and how it should be understood in refugee situations. Several delegations mentioned the possibility of using the Sub-Committee of the Whole on International Protection, including through its inter-sessional meetings, to pursue these issues.

22. At the close of the debate the Chief of the General Legal Advice Section summarized main themes for reflection in the Sub-Committee report. The Director of International Protection then responded to the debate, expressing his appreciation for the considered and thoughtful statements of delegations and affirming the importance he placed on further discussion of these vital questions which were international in scope. He confirmed that UNHCR would be pursuing the exchange of ideas and views on the matters raised by the Working Group on Protection, as set out in the Note, with a view now to devising strategies to meet the new protection challenges in the most flexible and effective way.

23. In conclusion, the Chairman of the Sub-Committee welcomed the rich and fruitful discussion on the Note, in which a very large number of delegations had participated. He acknowledged the unanimity delegations had displayed as to the quality of the document, underlined the preliminary nature of many delegations' comments and noted broad agreement that discussion on matters raised in it should continue.

24. Finally, he advised that conclusions of the Executive Committee reflecting the outcome of Sub-Committee debate on the Note, as well as any further discussion in Plenary on issues it raised, would be prepared by the Secretariat, for adoption by the Executive Committee during the forthcoming week, as the General Conclusion on International Protection.

III. WORK OF THE INTER-SESSIONAL MEETINGS OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

A. Review of the work of the inter-sessional meetings

25. The Information Note on the Inter-Sessional Meetings of the Sub-Committee (EC/SCP/72) was introduced by the Director of International Protection. He noted that inter-sessional meetings were held for the first time during 1992, and had provided a forum for discussion of a number of topics. The format had been a flexible one, with not all debates aimed at producing a conclusion, and with scope for delegations to share in the drafting of papers for discussion. Full reports of the 23 January and 13-14 April 1992 meetings were found in documents EC/SCP/70 and EC/SCP/71, respectively. The inter-sessional meetings had produced a draft conclusion on change of circumstances and the cessation clause, which the Sub-Committee might wish to recommend to the Executive Committee for adoption. The discussion of statelessness in one inter-sessional meeting had led to a request for UNHCR to seek information on the subject from the Centre for Human Rights. Following discussions with the Centre, a letter by UNHCR outlining the Executive Committee's concerns regarding statelessness had been distributed to the Preparatory Committee of the World Conference on Human Rights for consideration as an issue for the agenda.

26. The Director concluded by noting that, based on one year's experience with the inter-sessional meetings, the Sub-Committee might wish to review the organization of its work in the future. He stated that the Sub-Committee might wish to consider holding one meeting, which would last for more than one day, to allow greater participation by capitals.

27. The Chairman commented that the Sub-Committee was breaking new ground, both in terms of agenda items and in methods of work. He recalled that items had been divided into general and specific topics; discussion papers had been prepared by States as well as by UNHCR; and that it had been decided that formal conclusions were not necessary on all topics. He felt that the results had been very useful, but noted two areas to bear in mind. One was the difficulty of scheduling meetings at certain times of the year, and the other was the need to bring in experts from capitals to advise on technical or specialized subjects.

28. There was broad recognition of the value of the inter-sessional meetings, with many delegations stating that they had found them useful and constructive for Governments, UNHCR and NGOs alike. Ongoing dialogue on emerging issues was of paramount importance to refugees, displaced persons and others of concern to the Office.

29. With regard to the frequency of meetings, most delegations were in agreement that one meeting of longer duration would enable greater participation by experts from capitals, especially from developing countries and from those who had to travel long distances. The importance of close coordination between delegations and the Secretariat in establishing a calendar of meetings was stressed, in part to avoid conflict with meetings of the Commission on Human Rights, as well as of other bodies. In this regard, it was suggested that dates for the next meeting should be agreed and announced soon, to facilitate planning and maximize attendance. Some delegations felt that there should also be possibilities for the High Commissioner to convene a meeting on short notice, should the need arise to discuss a particularly topical issue. Another suggestion was the creation of a working group to supplement the inter-sessional meeting, if needed, to draft conclusions.

30. Several delegations agreed that the Note on International Protection provided numerous topics for further discussion, and that a pragmatic approach should be adopted, with debate focusing on subjects of universal relevance. Other suggestions for agenda items were the physical protection of refugees, and the working methods of the Sub-Committee. With regard to working methods, a number of delegations expressed appreciation for the format which allowed for discussion without always requiring the drafting of a conclusion. A few delegations noted, however, that any substantial conclusions to be recommended to the Executive Committee should be discussed in inter-sessional meetings first, in order to make the best use of time.

31. Appreciation was expressed for the discussion papers that had been prepared by the Secretariat, while a number of delegations noted that early receipt of documents would assist their preparation for meetings. A few delegations said that they would endeavour to contribute in the coming year to the drafting of discussion papers.

32. At the conclusion of the discussion on this item, the Sub-Committee recommended that the Executive Committee adopt the following decision on the Background Note on Inter-Sessional Meetings of the Sub-Commitee of the Whole on International Protection.

33. The Executive Committee,

Noting with appreciation the Background Note on Inter-sessional Meetings of the Sub-Committee of the Whole on International Protection (document EC/SC/72),

(a) Decides to request the High Commissioner to convene at least one inter-sessional meeting of the Sub-Committee of the Whole on International Protection to continue constructive discussions on relevant protection issues;

(b) Decides further to request the High Commissioner to report to the Executive Committee at its forty-fourth session on progress in the deliberations of the Sub-Committee.

B. Adoption of the report of the last meeting

34. The Sub-Committee adopted the draft report of its 25 June 1992 meeting without debate. As to the conclusion on cessation appended to that report, it was agreed that a working group of interested delegations should be convened to resolve pending difficulties with a view to submission of a draft conclusion on cessation for adoption by the Executive Committee at this session.

IV. ANY OTHER BUSINESS

A. Progress Report on Implementation of the UNHCR Guidelines on Protection of Refugee Women

35. The Chief of the General Legal Advice Section introduced the progress report, which she said served as a graphic illustration of the pervasiveness and severity of the protection problems affecting refugee women. Of particular concern in this respect was the lack of physical safety, notably for single and unaccompanied women, as well as for all women living in camps where traditional community life and social values often cannot be maintained. Unequal access to basic necessities, limited availability of medical services specialized in women's health and the often precarious legal situation of refugee women were other, equally preoccupying, areas of concern.

36. The report also demonstrated that concerted efforts and innovative strategies were needed to address these gender-based protection concerns as well as overcome the many obstacles that had been identified. It listed some of the measures that had already been taken in this regard by field offices, which have judged the Guidelines on the Protection of Refugee Women to contain very practical and useful recommendations. Also of relevance was a recommendation by the First Regional Forum on Refugees, Displaced and Uprooted Women (FOREFEM), a regional conference held recently in Guatemala to discuss the situation of uprooted women, that the problems affecting refugee women should be given greater prominence in human rights fora.

37. She concluded by expressing UNHCR's confidence that the Guidelines will prove to be an important tool for achieving substantial improvements in the general situation of refugee women and by urging delegations to work with UNHCR to promote and ensure their full implementation.

38. A number of delegations expressed appreciation for the progress report, noting with satisfaction that the protection of refugee women, who with children constitute the highest proportion of the world's refugee population, was now receiving greater attention and that gender awareness generally had increased. Some delegations were not in agreement with the manner in which the matter had been included on the agenda and suggested variously that the report could have been annexed to the Note on International Protection or the

matter examined as a separate agenda item. Several delegations also commented on the serious problems of physical safety facing many refugee women, and recommended that the Sub-Committee further consider this issue as it affects refugees generally.

39. A number of delegations urged States to collect and/or make available to UNHCR more statistical data, particularly in countries where the Office was not involved in refugee status determination procedures, as such information is essential for clarifying the scope of the problems and plays an important role in planning and implementation of necessary protection measures.

40. One delegation drew particular attention to the problems faced by female heads of household who are often not consulted regarding decisions affecting their lives and called for a closer examination of them. There was a strong need for increased training efforts directed at these refugee women to help them cope with their transitory situation and encourage them to become self-supporting within the shortest possible delay following their voluntary repatriation or local integration in the asylum countries.

41. Another delegation stressed that, while special measures such as physical reorganization of camps were often essential, these should not be a substitute for basic changes in the way refugee women's problems are addressed. Fundamental rethinking of the delivery of general services was recommended, in order that women's needs may be fully integrated into programme design and implementation. That delegation also mentioned that it had established a special resettlement programme for refugee women at risk and their dependents, as well as for women of concern to UNHCR. The programme, which used flexible selection criteria, had proved to be a very useful instrument of protection.

42. Another delegation noted that the protection problems affecting refugee women should be seen in their broader socio-economic context. The socio-economic dependency of refugee women was at the root of many of their protection problems and practical programmes including social and economic assistance, which would lead to self-reliance and independence, should therefore be initiated. The delegation noted that currently there are relatively few programmes of relevant international agencies in this respect, despite their potentially important role in eradicating abuses and assisting in the social rehabilitation of women.

43. UNHCR was encouraged to reinforce training programmes for its staff, as well as for the staff of implementing agencies and NGOs, in order to ensure that the Guidelines remain an operational tool. The importance of placing female staff in field locations was highlighted by several delegations. Cultural constraints which may be perceived in certain regions should be overcome given the profound importance to refugee women of contact with female UNHCR staff. One delegation felt that UNHCR should, as a short-term goal, aim at having at least one female staff member in each field office. The involvement of refugee women in the identification of their own problems, as well as in the implementation of supportive measures, was considered to be of particular importance, given that experience had already demonstrated the success of this approach.

44. Several delegations noted that the situation of refugee women was often inseparable from that of their dependants, i.e. refugee children, and that concrete measures for jointly addressing the problems of both groups should be developed. Some delegations felt that the debate on refugee women and children had become fragmented by separate consideration in the Executive Committee's two sub-committees, and that ways should be found to integrate the discussion on all aspects of this important area of refugee protection. UNHCR was encouraged to ensure that specific attention to refugee women's issues become an integral part of refugee protection and was requested also to ensure that the protection situation of refugee women and refugee children are both included in the plan of work for forthcoming meetings of the Sub-Committee of the Whole on International Protection. One delegation suggested that a special joint session of the two committees be convened.

45. Several delegations expected and were anxious to see the Guidelines bring about significant changes in the protection of refugee women, and asked to be kept informed of further progress regarding their implementation.

46. In response to the debate, the Senior Co-ordinator for Refugee Women thanked delegations for their supportive comments and helpful suggestions. The focus on the importance of addressing the social and economic needs of refugee women was very much in line with UNHCR's policy. She agreed that the recruitment of female field staff was an essential prerequisite for adequately addressing the problems affecting refugee women. She shared the concern of delegates regarding the lack of statistical data and noted that this subject was under consideration this year in the Sub-Committee on Administrative and Financial Matters. As regards the split discussions on refugee women and children in different fora, she was fully supportive of the proposal that they be better integrated. She would discuss the matter with the Secretariat and hoped shortly to be able to inform delegations as to recommendations that have been submitted with a view to arriving at a more satisfactory arrangement.

B. Information Note on UNHCR's Activities for Refugee Law Promotion, Dissemination and Training

47. In introducing this agenda item, the Chief of the Promotion of Refugee Law Section noted that training and promotion of refugee law had always been recognized as a basic protection responsibility and had been consistently supported by the Executive Committee. UNHCR had, therefore, over recent years developed extensive training activities for its own staff, as well as for Government officials, NGOs, lawyers and journalists with a view to strengthening their knowledge and skills and enhancing awareness of the problems and rights of refugees. The implementation of the High Commissioner's three-pronged strategy called for a more vigorous promotion policy with a particular focus on prevention and solutions. Consequently, new activities would be undertaken and ties with academic institutions, as well as international and non-governmental human rights organizations, would be strengthened, inter alia, through the newly created post of Human Rights Liaison Officer within UNHCR. Through building awareness of the worldwide refugee situation, UNHCR would seek to address negative public attitudes towards refugees.

48. All delegations who took the floor expressed their appreciation for the efforts of UNHCR in the field of refugee law promotion and training and stressed the value of increased knowledge and awareness among all those who are concerned with asylum-seekers and refugees. In particular, training for Government officials was considered an important promotion tool. One delegation explained that it had assisted UNHCR in a training seminar for Government officials in the Baltic region and expressed willingness to continue cooperation in this field. Another delegation thanked UNHCR for the training activities that had taken place in its country and expressed the hope that such activities would be continued in the future. It was important that the training was not just theoretical but also focused on practical day-to-day protection problems. In this connection, one delegation stressed the need to include segments on the specific protection problems of refugee women and vulnerable groups in training activities.

49. In responding to the debate, the Chief of the Promotion of Refugee Law Section assured the delegations that, in all training courses, due regard was had to refugee women and that the aim of the courses was to deal as realistically as possible with practical protection problems.

V. CONCLUSION ON CESSATION

50. The Sub-Committee recommended that the Executive Committee adopt the following conclusion on cessation of status due to "ceased circumstances".

51. The Executive Committee,

Recalling conclusion No. 65 (XLII) which, inter alia, underlined the possibility of use of the cessation clauses in Article IC (5) and (6) of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status,

Taking into account that the application of the cessation clause(s) in the 1951 Convention rests exclusively with the Contracting States, but that the High Commissioner should be appropriately involved, in keeping with the role of the High Commissioner in supervising the application of the provisions of the 1951 Convention as provided for in Article 35 of that Convention,

Noting that any declaration by the High Commisioner that the competence accorded to her by the Statute of her Office with regard to certain refugees shall cease to apply, may be useful to States in connection with the application of the cessation clauses as well as the 1951 Convention,

Believing that a careful approach to the application of the cessation clauses using clearly established procedures is necessary so as to provide refugees with the assurance that their status will not be subject to unnecessary review in the light of temporary changes, not of a fundamental character, in the situation prevailing in the country of origin,

Stresses that, in taking any decision on application of the cessation clauses based on "ceased circumstances", States must carefully assess the fundamental character of the changes in the country of nationality or origin, including the general human rights situation, as well as the particular cause of fear of persecution, in order to make sure in an objective and verifiable way that the situation which justified the granting of refugee status has ceased to exist;

Underlines that an essential element in such assessment by States is the fundamental, stable and durable character of the changes, making use of appropriate information available in this respect, inter alia, from relevant specialized bodies, including particularly UNHCR;

Emphasizes that the "ceased circumstances" cessation clauses shall not apply to refugees who continue to have a well-founded fear of persecution;

Recognizes therefore that all refugees affected by a group or class decision to apply these cessation clauses must have the possibility, upon request, to have such application in their cases reconsidered on grounds relevant to their individual case;

Recommends, so as to avoid hardship cases, that States seriously consider an appropriate status, preserving previously acquired rights, for persons who have compelling reasons arising out of previous persecution for refusing to re-avail themselves of the protection of their country and recommends also that appropriate arrangements, which would not put into jeopardy their established situation, be similarly considered by relevant authorities for those persons who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and economic links there,

Recommends that States, in giving effect to a decision to invoke the cessation clauses, should in all situations deal humanely with the consequences for the affected individuals or groups, and that countries of asylum and countries of origin should together facilitate the return, to assure that it takes place in a fair and dignified manner. Where appropriate, return and reintegration assistance should be made available to the returnees by the international community, including through relevant international agencies.